

## MINUTES

### MONTANA HOUSE OF REPRESENTATIVES 62nd LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON JUDICIARY

**Call to Order:** Chair Ken Peterson, on January 21, 2011 at 8:00 AM, in Room 137  
Capitol

#### ROLL CALL

**Members Present:**

Rep. Ken Peterson, Chairman (R)  
Rep. Krayton Kerns, Vice Chairman (R)  
Rep. Diane Sands, Vice Chairman (D)  
Rep. Liz Bangerter (R)  
Rep. Robyn Driscoll (D)  
Rep. Kris Hansen (R)  
Rep. Bill Harris (R)  
Rep. David Howard (R)  
Rep. Cleve J. Loney (R)  
Rep. Margaret (Margie) MacDonald (D)  
Rep. Michael (Mike) More (R)  
Rep. Jesse O'Hara (R)  
Rep. Carolyn Pease-Lopez (D)  
Rep. Joe Read (R)  
Rep. Keith Regier (R)  
Rep. Dan Skattum (R)  
Rep. Bob Wagner (R)  
Rep. Wendy Warburton (R)

**Members Excused:** Rep. Mike Menahan (D)

**Members Absent:** Rep. Ellie Boldman Hill (D)

**Staff Present:** Karen Armstrong, Committee Secretary  
David Niss, Legislative Branch

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Hearing &amp; Date Posted: HB 109, 1/18/2011: HB 269, 1/19/2011

Executive action: HB 112, HB 245, HB 250, HB 269, HB 67, HB 253

**HEARING ON HB 269****Opening Statement by Sponsor:**

00:02:00 Rep. Steve Lavin (R), HD 8, opened the hearing on HB 269, Provide for "blue alert" system regarding violent offenders.

00:02:42 Rep. Hill entered.

**Proponents' Testimony:**

00:04:18 Col. Tooley, Chief, Montana Highway Patrol, Department of Justice (DOJ)

00:06:13 Rebecca Sturdevant, Montana Concerns of Police Survivors

00:10:08 Mark Taylor, Association of Montana Troopers

00:10:41 Jim Smith, Montana Sheriffs and Peace Officers Association

00:11:44 Larry Epstein, Montana Chiefs of Police, Montana Police Protective Association

**Opponents' Testimony:** None**Informational Testimony:** None**Questions from Committee Members and Responses:**

00:12:32 Rep. Regier

00:12:59 Col. Tooley, DOJ

00:13:25 Rep. Regier

00:13:41 Col. Tooley

**Closing by Sponsor:**

00:13:57 Rep. Lavin

**HEARING ON HB 109****Opening Statement by Sponsor:**

00:14:10 Rep. Margaret (Margie) MacDonald (D), HD 54, opened the hearing on HB 109, Revise sex offender accountability act.

**[EXHIBIT\(juh16a01\)](#)****Proponents' Testimony:**

00:21:23 Mike Batista, Administrator for the Division of Criminal Investigation, DOJ

**[EXHIBIT\(juh16a02\)](#)**

00:30:56 Rep. Howard exited.

**Opponents' Testimony:**

00:31:16 Mark Murphy, Montana County Attorney's Association (MCAA)

00:34:28 Dr. Bowman Smelko, Forensic Psychologist

**EXHIBIT(juh16a03)**

00:35:14 Rep. Menahan arrived.

00:37:53 Chris Quigley, Former Director of Sex Offender Treatment Programming,  
Montana State Prison, now Director of REO Program at Galen.

**EXHIBIT(juh16a04)**

00:51:10 Niki Zupanic, American Civil Liberties Union (ALCU)

**EXHIBIT(juh16a05)****EXHIBIT(juh16a06)**

00:57:43 Chris Abbott, self

00:59:14 Rep. Sands exited.

01:00:06 Rep. O'Hara exited.

01:03:15 Wendy Johnson, self

01:05:15 Rep. Howard returned.

01:08:22 Pam Bunke, Administrator of the Adult Community Corrections Division,  
Department of Corrections (COR)

**Informational Testimony:** None**Questions from Committee Members and Responses:**

01:11:02 Rep. Hill

01:13:02 Mr. Batista, DOJ

01:13:12 Rep Hill

01:13:16 Mr. Batista

01:13:23 Rep. Driscoll

01:13:38 Mr. Batista

01:14:15 Rep. Howard exited.

01:15:14 Rep. Menahan

01:15:24 Rep. O'Hara returned.

01:16:45 Mr. Abbott

01:18:16 Chairman Peterson

01:18:49 Mr. Murphy, MCAA

01:20:43 Chairman Peterson

01:21:07 Mr. Murphy

01:21:32 Chairman Peterson

01:22:02 Mr. Murphy

01:22:14 Chairman Peterson

01:22:23 Rep. Howard returned.

01:22:34 Mr. Murphy

01:22:37 Chairman Peterson

01:22:41 Mr. Murphy

01:23:30 Chairman Peterson

01:23:35 Mr. Quigley

01:24:01 Chairman Peterson

01:24:06 Mr. Quigley

01:24:31 Rep. Sands returned.

01:25:16 Chairman Peterson

01:25:36 Mr. Quigley

01:26:23 Chairman Peterson  
01:26:28 Rep. Harris  
01:26:50 Mr. Quigley  
01:28:54 Chairman Peterson

**Closing by Sponsor:**

01:29:11 Rep. MacDonald  
  
01:31:15 Meeting recessed.  
01:46:16 Meeting resumed with Rep. Skattum, Rep. Driscoll, Rep. Regier, Rep. Sands,  
Rep. O'Hara and Rep. Harris not present.

**EXECUTIVE ACTION ON HB 67**

01:47:31 **Motion:** Rep. Menahan moved that **HB 67 BE POSTPONED FOR THE DAY.**  
  
01:48:02 Chairman Peterson announced that the bill would be postponed without  
objection.  
01:49:36 Rep. Regier returned.

**EXECUTIVE ACTION ON HB 112**

01:49:40 **Motion:** Rep. Kerns moved that **HB 112 DO PASS.**

**Discussion:**

01:49:59 Rep. Kerns  
01:50:22 Rep. Menahan  
01:51:21 Rep. Kerns  
01:51:31 Rep. Warburton  
01:51:54 Rep. Loney  
01:52:03 Rep. Sands returned.  
Rep. Driscoll returned.  
01:52:11 Rep. More  
  
01:52:56 **Vote:** Motion failed 7-12 by roll call vote with Rep. Bangerter, Rep. Driscoll,  
Rep. MacDonald, Rep. Menahan, Rep. Pease-Lopez, Rep. Regier and Rep.  
Sands voting aye. Rep. Harris and Rep. Skattum voted by proxy. Rep. O'Hara  
was absent for the vote.  
  
01:53:11 Rep. Harris returned.  
01:53:15 Rep. Skattum returned.  
  
01:54:37 **Motion/Vote:** Rep. Kerns moved that **HB 112 BE TABLED AND THE VOTE  
REVERSED.** Motion carried unanimously by voice vote of those present. Rep.  
O'Hara was absent for the vote.

**EXECUTIVE ACTION ON HB 245**

01:55:07 **Motion:** Rep. Kerns moved that **HB 245 DO PASS.**

**Discussion:**

01:55:24 Rep. Menahan  
01:58:26 Rep. Hansen  
02:00:14 Rep. O'Hara returned.  
02:00:17 Rep. Wagner  
02:02:19 Rep. More  
02:03:48 Chairman Peterson

02:05:54 **Vote:** Motion failed 8-12 by roll call vote with Rep. Harris, Rep. Kerns, Rep. Loney, Rep. Read, Rep. Regier, Rep. Skattum, Rep. Wagner and Rep. Warburton voting aye.

02:06:12 **Motion/Vote:** Rep. Kerns moved that **HB 245 BE TABLED AND THE VOTE REVERSED.** Motion carried 18-2 by voice vote with Rep. Wagner and Rep. Warburton voting no.

**EXECUTIVE ACTION ON HB 250**

02:06:26 **Motion/Vote:** Rep. Menahan moved that **HB 250 DO PASS.** Motion carried 19-1 by voice vote with Rep. Wagner voting no.

**EXECUTIVE ACTION ON HB 253**

02:07:35 **Motion:** Rep. Kerns moved that **HB 253 DO PASS.**

02:08:05 **Motion:** Rep. Menahan moved that **HB 253 BE POSTPONED FOR THE DAY.**

**Discussion:**

02:08:35 Rep. Sands  
02:09:05 Chairman Peterson announced that the bill would be postponed without objection.

**EXECUTIVE ACTION ON HB 269**

02:09:23 **Motion:** Rep. Kerns moved that **HB 269 DO PASS.**

**Discussion:**

2:09:50 Rep. Wagner  
02:10:00 Rep. Bangerter  
02:10:50 Rep. Harris

02:11:18 **Vote:** Motion carried 19-1 by voice vote with Rep. More voting no.

02:11:48 Chairman Peterson

02:11:51 Rep. MacDonald

02:13:59 Rep. Bangerter

02:14:15 Chairman Peterson

02:14:37 Rep. Bangerter

02:15:57 Rep. Sands

**ADJOURNMENT**

02:16:11      Adjournment: 10:18 am

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Karen Armstrong, Secretary

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Additional Exhibit:  
**[EXHIBIT\(juh16a07\)](#)**

Additional Documents:  
**[EXHIBIT\(juh16aad.pdf\)](#)**